

# EXHIBIT 17

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF MICHIGAN  
3                   SOUTHERN DIVISION

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23 Also Present:

24 Robert Martignetti, Videographer

25 - - -

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1 improved corrosion control, close quote.

2 Did I read that correctly, sir?

3 A. Yes, you did.

4 Q. And in your reading of this document,

5 sir, since it's in Priority 2, is it your

6 understanding that the recommendation was that

7 this recommendation for corrosion control could be

8 done at the same time as the GAC filter, also

9 referenced in Priority 2, sir?

10 MR. GAMBILL: Objection; form;

11 foundation.

12 Q. You can answer, sir.

13 A. Just so everybody knows, I'm not hearing

14 the objections. I'm just hearing noise, so...

15 Q. I think Mr. Erickson objected as to

16 form, but if I'm incorrect, I'm sure he'll correct

17 me.

18 You can answer, sir.

19 A. Would you please repeat?

20 Q. Sure, sir.

21 I was pointing out that there is

22 basically three items under Priority 2, correct?

23 A. Yes.

24 Q. The first of which is for GAC.

1 MR. ERICKSON: I do want to just note  
2 that I -- I was not the person objecting to form.

3 MR. McELVAINE: Oh, I'm sorry. I'm  
4 sorry.

5 MR. ERICKSON: It doesn't matter.  
6 Unless the court reporter wants to know.

7 THE STENOGRAPHER: I understood it was  
8 Mr. Gambill.

9 MR. McELVAINE: Thank you.  
10 BY MR. McELVAINE:

11 Q. Mr. Green, I'm pointing out to you  
12 pages -- and I think we have it on the screen for  
13 all to see -- under Priority 2, there are three  
14 items; is that correct, sir?

15 A. Yes.

16 Q. And that's on Pages 9 and 10, and the  
17 first deals with GAC, correct?

18 A. Yes.

19 Q. And what is GAC, sir?

20 A. Granular activated carbon.

21 Q. Okay. And the third item under  
22 Priority 2 deals with corrosion control,  
23 recommending a study, correct?

24 A. Scroll down just a touch.

1 Q. Yes, sir. Absolutely, sir.

2 A. That's enough.

3 Q. Do we have it there? Can you see it,  
4 sir?

5 A. Yes.

6 Q. Okay.

7 A. And the answer is yes to your question.

8 Q. Okay. Thank you.

9 In March 2015, did you discuss these  
10 Veolia recommendations with anybody from the City  
11 of Flint?

12 A. I cannot tell you it was in March, but I  
13 do know that we discussed these with the City of  
14 Flint shortly after this report was received.

15 Q. When you say "shortly," would you say  
16 within a matter of weeks, sir?

17 A. Yes.

18 Q. And what -- with whom was your  
19 discussion, sir?

20 A. Primarily, Howard Croft and  
21 Brent Wright. Specifically, the City asked us to  
22 install the GAC, which eventually became a project  
23 that LAN performed. After we started the design  
24 of the GAC, we approached Howard Croft after a

1 project meeting at the water plant and asked if he  
2 wanted us to get started on the permanganates and  
3 the phosphate feeds. And he said, "We're thinking  
4 about it," and that was the end of his  
5 conversation.

6 Q. Did the City of Flint ever ask LAN to  
7 work on the phosphate feed -- or to install a  
8 phosphate feed for corrosion control?

9 A. In September of 2015, they initially  
10 approached us to start the design of a phosphate  
11 feed system. And eventually we did provide a  
12 design that was installed at the plant, I'm going  
13 to say around end of October, early November of  
14 2015.

15 Q. And when you first had a discussion with  
16 the City in approximately September 2015 regarding  
17 the implementation or the construction of the  
18 phosphate feed, did they indicate at that point in  
19 time when they wanted it completed by initially?

20 A. They asked us to fast track it.

21 Q. Prior to fast tracking it, had they put  
22 a date out there of 2017 for completion of the  
23 phosphate feed, sir?

24 A. I'm going to have to ask a

1 clarification. I thought you previously asked me  
2 around a September date of 2015.

3 Q. Yes, sir.

4 A. Well, that request or that  
5 recommendation of 2017 was earlier in the year as  
6 part of a capital improvement plan they had.

7 Q. Okay. So earlier in 2015, as part of a  
8 capital improvement plan, the City had the  
9 implementation of corrosion control for about two  
10 years later, in 2017; is that your testimony, sir?

11 MS. COLLINS: Objection; form;  
12 foundation.

13 Q. You can answer, sir.

14 A. Howard Croft gave me a table of proposed  
15 improvements and estimated cost for their CIP and  
16 asked me to look at it. And I marked it up and  
17 said, "Howard, you need to move all of these  
18 treatment systems up to now. You can't put them  
19 off."

20 And I remember phosphate feed was in  
21 there because he had misspelled phosphoric acid.  
22 He called it "phosferric acid." And that stuck  
23 out to me and still sticks out to me today.

24 So, yes, they did have it originally

1           A.     Langelier Index is a corrosion indice  
2     that has been used for many, many years. Recent  
3     research has shown that it's not a very good  
4     indicator for lead. But the Langelier Index is a  
5     calculation that you go through that takes into  
6     account temperature, alkalinity, pH, calcium,  
7     total dissolved solids. You may see some form of  
8     the equation refer to filterable residue at  
9     180 degrees C, and that's just TDS.

10           You run this calculation, and if your  
11     water is fully stable, in other words, it's not  
12     corrosive or it's not calcium depositing, you will  
13     have a Langelier Index of zero. If the water is  
14     corrosive, the Langelier Index will be negative.  
15     And if the Langelier Index is positive, then it  
16     could be depositing or encrusting. In other  
17     words, it would precipitate calcium.

18           Q.     So in this conversation that you had  
19     with Mr. Glasgow in the end of February 2015,  
20     number one, it was in the context of the City  
21     having received --

22           A.     You're freezing on me, so...

23           Q.     I'm sorry. We'll work through it, I  
24     hope, sir.

1                   What I was asking, sir, is that this  
2                   conversation with Mr. Glasgow occurred in the end  
3                   of February 2015, correct?

4                   A.     In February. I don't remember if it was  
5                   the end or beginning or -- sometime in February.

6                   Q.     Okay. And you discussed that there were  
7                   one or two high lead levels somewhere in the City  
8                   of Flint?

9                   A.     No. He indicated there were a couple.

10                  Q.     A couple, okay.

11                  Did he give any identifying about it?  
12                  For example, did he mention any particular  
13                  homeowner or any location, sir?

14                  A.     No, sir.

15                  Q.     In this conversation, though, LI, or the  
16                  Langelier Index, was discussed, correct?

17                  A.     I said to him, "You need to get your LI  
18                  up." And when you increase your LI, you do it by  
19                  increasing pH and alkalinity.

20                  Q.     Okay.

21                  A.     And pH adjustment and alkalinity  
22                  adjustment are two of the most common forms of  
23                  corrosion control that we still use today.

24                  Q.     Okay. And in response to your statement

1 about "You need to get the LI up," what did  
2 Mr. Glasgow say to you?

3 A. He said, "I'm working on it," and then  
4 he left.

5 Q. Okay. Did you have any further  
6 discussion with Mr. Glasgow about this effort to  
7 get the LI up, sir?

8 A. No, sir.

9 Q. Did anybody else in the room say  
10 anything further about this incident, sir?

11 A. No, sir.

12 Q. The next time you had any discussion  
13 with anybody about any type of corrosion control  
14 measure, was it the discussion that we previously  
15 discussed after the Veolia March 12, 2015 report  
16 came out with recommendations, sir?

17 A. As I recall today, yes.

18 Q. Okay. Now, sir, jumping forward a  
19 little bit. I think you indicated a few minutes  
20 ago that there was a TAC, or technical advisory  
21 committee, meeting in May of 2015, sir?

22 A. Yes. Toward the end of the month.

23 Q. And I think -- please correct me if I'm  
24 wrong, sir -- that was the next time you heard

1 anything about lead test results, sir?

2 A. Yes.

3 Q. And what was discussed at that time, and  
4 by whom, sir?

5 A. LAN was invited to the meeting to  
6 provide an update on the GAC filter project. And  
7 in that meeting, Howard Croft made a statement to  
8 the effect that some attention has shifted to  
9 lead, and we had a couple of lead -- high lead  
10 samples; however, we are in compliance with the  
11 Lead and Copper Rule, and the water is safe.

12 Q. Did anybody else at that meeting offer  
13 any counter opinion or any agreement to what  
14 Mr. Croft was saying?

15 A. No. However, after the meeting, I went  
16 to Howard's office, and I said, "Howard, what is  
17 this with the lead readings?" He goes, "Warren,  
18 there's nothing to it." He said, "The same people  
19 that have been complaining about the discolored  
20 water are the ones complaining about this. And  
21 what they're really complaining about are water  
22 rates." So I said, "Howard, are you telling me  
23 that you're okay here, you're in compliance with  
24 the numbers?" And he said, "Yes."

1 LAN's recommendation to increase the dosage of  
2 ferric chloride at the Flint Water Treatment  
3 Plant, sir?

4 A. I don't know if this document goes with  
5 anything else. It's a two-page document. I don't  
6 know if this was just a -- a draft. But what we  
7 were seeing was increasing ferric feed is  
8 improving TOC removal.

9 I'm going to go back to the original  
10 treatability test. A ferric dose with -- of about  
11 45 milligrams per liter plus a coagulant aid,  
12 flocculant and a floc aid, flocculant -- or  
13 polymer showed the best TOC removal; however,  
14 feeding about 60 to 65 milligrams per liter of  
15 ferric alone had about the same removal  
16 efficiency.

17 So I don't think Flint's issue was as  
18 much ferric, but it was increasing ferric as it  
19 was getting it consistent. If you go back and  
20 look at the data, which I've done, I don't know,  
21 recently, you know, they would be feeding, you  
22 know, 40 parts of ferric and then drop to 20 and  
23 then go up to 50 and then drop.

24 So at the time that we were doing this,

1       they were not feeding enough to get the TOC out.

2           Q.     So you were recommending increasing  
3       and/or being consistent in the usage of ferric  
4       chloride, sir?

5           A.     I think sometime after this document  
6       that you have up here, which is dated  
7       December 1st, 2014, I think in a later document in  
8       early '15, we did indicate that they should be  
9       feeding about 60 milligrams per liter of ferric,  
10      maybe 65; I don't remember exactly.

11           And so I can't say that was an increase  
12      or not. It may have been an increase over some  
13      times. It could be the same as other times. So  
14      there's -- there's just not one dose. There  
15      were -- the dose was bouncing up and down, if that  
16      makes sense.

17           Q.     Do you know if the City of Flint ever  
18      followed your recommendation regarding the ferric  
19      chloride?

20           A.     They still fed it in variable levels.  
21      They never really increased it after our  
22      recommendation on a consistent basis. It would go  
23      up for a while and then down for a while and, et  
24      cetera.

1 Q. So is the answer, no, they did not  
2 follow your recommendation for a consistent dosage  
3 of ferric, sir?

4 A. No, they didn't.

5 Q. Okay.

6 MR. MCELVAINE: Sir, we've reached the  
7 point again where I've used up more time, and I  
8 think I will pass on to the next attorney just so  
9 I can have a little bit of time reserved for  
10 further discussion tomorrow or Monday.

11 So thank you very much, sir. I  
12 appreciate your time.

13 THE WITNESS: Thank you.

14 VIDEOGRAPHER: The time is 10:38 a.m.,  
15 and we're off the record.

16 (Discussion held off the record.)

17 (Recess taken.)

18 VIDEOGRAPHER: The time is 10:47 a.m.,  
19 and we're on the record.

20 EXAMINATION

21 BY MR. BERG:

22 Q. Good morning, Mr. Green. My name is  
23 Rick Berg, and I represent the City of Flint.  
24 Thank you for attending today.

1                   Can you hear me all right?

2                   A.     Speak up just a little, please. I've  
3     got my volume all the way up. Some of you are a  
4     little light.

5                   Q.     All right. Let me see -- I'm not sure  
6     if by turning my volume up it will help, but I  
7     will try to speak up.

8                   A.     Thank you.

9                   Q.     Towards the end of Mr. McElvaine's  
10   questions, he asked you about some meeting notes  
11   from November 7, 2014. I believe you said that  
12   you recalled attending the meeting, but that you  
13   didn't recall a certain discussion that he asked  
14   you about at the end of the notes. I have a copy  
15   of those -- those same meeting notes, and I'd like  
16   to show those to you now. I believe that was  
17   Exhibit 4.

18                   Can you see my screen now, Mr. Green?

19                   A.     No.

20                   Q.     All right. How about now?

21                   A.     There it goes.

22                   Q.     All right. Thank you.

23                   All right. Do you recognize this  
24   document from a few minutes ago?